

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 ISAIAH THOMAS WILLOUGHBY,

13 Defendant.

CASE NO. CR20-0111-JCC

ORDER

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15 This matter comes before the Court on Defendant's second motion to reopen United  
16 States Magistrate Judge Brian Tsuchida's detention hearing (Dkt. No. 33). Having thoroughly  
17 considered the parties' briefing and the relevant record, the Court finds oral argument  
18 unnecessary and hereby DENIES the motion for the reasons described herein.

19 Defendant, who is detained pending a March 1, 2021 trial, is charged by indictment with  
20 arson. (Dkt. Nos. 24, 38.) The Court previously described the Government's allegations against  
21 Defendant and will not repeat them here. (*See* Dkt. No. 23.) Defendant now moves, for the  
22 second time, to reopen Judge Tsuchida's detention hearing. (Dkt. No. 33.) As a basis for review,  
23 Defendant asserts that he brings information not previously available to the Court. *See* 18 U.S.C.  
24 3142(f)(2) (allowing the Court to reopen a detention hearing "any time before trial if the judicial  
25 officer finds that information exists that was not known to the movant at the time of the  
26 hearing.").

The Court reviews a magistrate judge’s order detaining a defendant before trial *de novo*. *United States v. Koenig*, 912 F.2d 1190, 1193 (9th Cir. 1990). Thus, the Court makes its own factual findings and reaches an independent conclusion about whether the defendant should be detained, without deference to the magistrate judge’s decision. *Id.* However, because the Court has previously reviewed Judge Tsuchida’s decision, the current review is limited to information not known at the time of the hearing. 18 U.S.C. § 3142(f)(2); *see United States v. Avellino*, 1995 WL 728420, slip op. at 1 (E.D.N.Y. 1995) (limited review based on new information). Defendant alleges that the current COVID-19 conditions at FDC Sea-Tac represent such new information. (Dkt. No. 33 at 11–13.) But Defendant’s allegations suffer from the same flaw as described in the Court’s previous order: they represent “generalized concerns.” (Dkt. No. 23 at 1.) This does not constitute new information and, on this basis, the Court declines to reopen the detention hearing.

For the foregoing reasons, Defendant's second motion to reopen United States Magistrate Judge Brian Tsuchida's detention hearing (Dkt. No. 33) is DENIED.

DATED this 22nd day of October 2020.

John C. Conahan

John C. Coughenour  
UNITED STATES DISTRICT JUDGE